



Public Liability Policy

PURPOSE

The Fort Vancouver Regional Library District (FVRL) Board of Trustees (Board) affirm that the guidelines set forth in Washington state statute provide a procedure for the defense and indemnity of a FVRL officer, employee or volunteer in the event a tort claim for damages is alleged against the District or one of those individuals within the context set forth by law.

POLICY

In accordance with RCW 4.96.041, if the Board finds that a tortious claim pertaining to the acts or omissions of a current or past FVRL trustee, employee or volunteer was within the scope of their official duties, the Board may pass a resolution directing FVRL to accept the liability for the defense of that individual or group.

Any trustee, employee or agent for whom FVRL provides legal defense shall cooperate fully with FVRL and its counsel in handling or resisting the action or proceeding, as a condition for the protection afforded under this policy. FVRL reserves the right to appoint legal counsel, control the defense of the action or proceeding, and to compromise, settle or defend the matter.

Per RCW 4.24.470, the Board is immune from civil liability for damages for any discretionary decision or failure to make a discretionary decision within their official capacity, but liability shall remain with FVRL for any tortious conduct of the Board or its members.

Per RCW 4.96.020, the Board shall appoint an authorized agent for FVRL to receive claims for damages against the District. The current Executive Director (or Board designee) shall serve as FVRL's agent, and be duly filed and recorded with the Clark County Auditor's Office as the person serving in that capacity for FVRL.

Nothing contained in this policy shall be construed to modify or amend any provision of any policy of insurance insuring any FVRL trustee, employee or volunteer. In the event of any conflict between this policy and the provisions of any such policy of insurance, the insurance policy provisions shall be controlling. The Board reserves the right to exclude the defense of wrongful or criminal acts by any trustee, employee or volunteer.

DEFINITIONS

"Public agency" means any state agency, board, commission, department, institution of higher education, school district, political subdivision, or unit of local government of this state including but not limited to municipal corporations, quasi-municipal corporations, special purpose districts, and local service districts. "Governing body" means the policy-making body of a public agency.

ADMINISTRATION

The Executive Director is responsible for the administration of this policy, for establishing administrative procedures for its implementation and for making the policy available for the public at each branch and via the Library's web site.

SEVERABILITY

The Board of Trustees hereby declares its intention that the provisions of this policy are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, chapter, title or other portion of this policy, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of the policy, or the validity of its application to other persons or circumstances.

CONTINUANCE

The Board of Trustees hereby declares its intention that the provisions of this policy shall be construed and applied as a continuation of the provisions of the policy, as amended, insofar as applicable, and the repeal of any part of this policy shall not be construed as affecting such continuous application.

RELEVANT POLICIES

- Trustee Ethics and Responsibilities Policy
- Board of Trustees Bylaws

BOARD APPROVED

- Original Policy June 2, 1986
- Policy name revised to "Indemnification Statement" for easier indexing, 2/10/03 (formerly titled Indemnification of Individual Trustees, Management and Staff Personnel from Public Liability)
- Revised: May 12, 2003 (and renamed Public Liability)
- Amended: September 13, 2010
- Revised: November 16, 2020